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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) CC Docket No. 96-45
)
Federal-State Joint Board on) CC Docket No. 97-160
Universal Service)
) DA 98-715
)

COMMENTS

The National Exchange Carrier Association, Inc. (NECA)¹ submits its comments in response to the Commission's April 15, 1998 *Public Notice*.² The *Public Notice* invites comment on a wide range of issues related to the methodology for determining federal universal service support.³ Specifically, the Commission seeks comment on its decision that federal support for non-rural carriers will equal 25 percent of the difference between a forward-looking cost model and a benchmark (25/75 decision), and alternative proposals submitted by industry participants.⁴

¹ Under the Commission's rules, NECA is the responsible entity for the preparation of access charge tariffs on behalf of telephone companies that do not file separate tariffs; and for the collection and distribution of access charge revenues. The Commission's actions in this docket will directly impact the preparation of the access charge tariffs, and the members of the NECA pools. See 47 C.F.R. §§ 69.603 and 64.604.

² Common Carrier Bureau Seeks Comment on Proposals to Revise the Methodology for Determining Universal Service Support, CC Docket Nos. 96-45 and 97-160, *Public Notice*, DA 98-715 (April 15, 1998)(*Public Notice*).

³ *Public Notice* at p. 1.

⁴ *Id.* at p. 6.

National Exchange Carrier Association, Inc.
CC Docket Nos. 96-45 and 96-170
DA 98-715

May 15, 1998

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The proposals described in the Commission's *Public Notice* generally focus on support mechanisms for non-rural local exchange carriers (LECs).⁵ Participants in NECA's Common Line (CL) and Traffic Sensitive (TS) access charge pools (who are mostly, but not exclusively, rural LECs) have expressed concern regarding the effects such changes might have on universal service support and NECA pool rates, as new universal service mechanisms are applied to non-rural carriers in the NECA pools on January 1, 1999 and potentially, to rural carriers in later phases of this proceeding.⁶

There is significant concern that federal universal service support levels available under the 25/75 approach contemplated in the Commission's *Universal Service Order* would be lower, perhaps significantly, than amounts available under current programs. In the *Universal Service Order*, the Commission based its decision to support only 25 percent of costs in excess of the benchmark on a finding that loop costs are the predominant costs that vary between high cost and non-high cost areas, and that a 25 percent apportionment factor is already used for such costs.⁷ However, the extent to which carriers rely on federal universal service support varies greatly among different types of companies, and can be much higher than 25 percent in some cases.

⁵ One exception however appears to be the proposal advanced by the Ad Hoc Working Group, which proposes an alternative approach for determining and distributing high cost support for both rural and non-rural carriers.

⁶ Because local switching support (LSS) and long term support (LTS) amounts are treated as revenue offsets to revenue requirements in developing access charge rates, changes of support provided by these programs can significantly affect the levels of NECA access charge rates.

⁷ Federal-State Joint Board on Universal Service, *Report and Order*, 11 FCC Rcd 13,708 at ¶¶ 269-270 (1996)(*Universal Service Order*).

For the NECA CL pool as a whole (which is largely made up of rural carriers), for example, LTS amounts currently represent 38.3 percent of pool revenue requirement, while LSS amounts currently represent 35.2 percent of the NECA switched TS pool revenue requirement. Changes in universal service support funding methods for rural carriers that cause reductions in these support flows would thus cause NECA access rates to rise substantially.⁸ This would harm universal service because it would increase pressure for interstate toll rate deaveraging, and create disincentives for interexchange carriers to extend services and compete vigorously in rural areas (for example, through alternative toll calling plans).

Currently, two large non-rural carriers participate in NECA's CL pool. If a new universal service mechanism is introduced for these carriers on January 1, 1999 that reduces support levels from current levels, NECA access rates would be directly affected. For example, if LTS were eliminated for these carriers, NECA's current terminating CCL rates would rise approximately 62 percent.⁹

Until a forward-looking cost model and a benchmark have been identified, there is no way to evaluate the specific effects such mechanisms would have on access rates. As the Commission moves forward with its evaluation of new universal service mechanisms, it should keep in clear view the pronounced difference in circumstances faced by small, rural telephone companies.

⁸ Without LTS, NECA estimates that its current terminating carrier common line (CCL) rate would increase by over 300 percent, from the current \$0.0107 to \$0.0436. Without LSS, NECA estimates its current uniform local switching rate of \$0.019640 would more than double to \$0.040072.

⁹ It is estimated that the terminating CCL rate would increase to \$0.0174 from the current rate of \$0.0107.

Extensive study of the effects of proposed changes in universal service program on interstate access rates and end user rates in rural areas is a prerequisite to reasoned decision-making in this area.¹⁰

In prior universal service proceedings, the Commission has placed important decisional significance on findings that small, rural LECs face different circumstances from larger LECs.¹¹ Current high cost programs are specifically designed to target additional support to smaller carriers. For example, under the current universal service program carriers with less than 200,000 loops are permitted to allocate a higher proportion of costs to the interstate jurisdiction.¹² Similarly current separations rules allow carriers with less than 50,000 lines to allocate higher proportions of switching costs to interstate.¹³

In considering prior changes to the separations rules, the Commission and the Federal-State Joint Board have always been careful to evaluate fully cost causation issues, and potential effects on end user and interstate access rates, prior to implementing cost allocation decisions. In the case of its decision to adopt a flat 25% allocation of loop costs to interstate, for example, the Commission had substantial data to support its conclusion that this percentage represented a

¹⁰ As the entity charged by the Commission with collecting universal service data, NECA is in a unique position to aid such analysis as specific support mechanisms are proposed for rural companies.

¹¹ See, e.g., Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, Usage of the Public Switched Network by Information Service and Internet Access Providers, *Notice of Proposed Rulemaking, Third Report and Order, Notice of Inquiry*, 11 FCC Rcd. 21354 (1996).

¹² See 47 C.F.R. § 36.631.

¹³ See 47 C.F.R. §§ 36.125 and 54.301.

reasonable nationwide average amount.¹⁴ The Commission also recognized, after analyzing impacts of this decision, that additional allocations of loop costs to the interstate jurisdiction would be necessary for high cost companies, and determined that 100% of those costs should be recovered from interstate ratepayers via the High Cost Fund.¹⁵ This approach to separations policymaking was also followed in Commission decisions to allocate additional costs to interstate for companies with higher-than-average switching costs, via DEM weighting.¹⁶

As noted above, the actual effects of these decisions result in differing percentages of interstate cost recovery among groups of companies. These differences should again be considered in determining future universal service methodologies.

As Chairman Kennard recently suggested, universal service mechanisms for small, rural carriers are not broken, and, therefore, do not need to be fixed.¹⁷ Rural customers have been served well by current mechanisms and small, rural LECs have received a sufficient amount of high cost support to furnish affordable and up-to-date services and network capabilities. For these reasons, NECA suggests that support amounts available under revised programs should be

¹⁴ See Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80-286, *Decision and Order*, 96 FCC 2d 780 (1984).

¹⁵ *Id.*

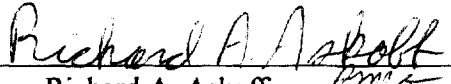
¹⁶ MTS and WATS Market Structure, Amendments of Part 67 (New Part 36) of the Commission's Rules and Establishment of a Federal-State Joint Board, CC Docket Nos. 78-72, 80-286, and 86-297, *Report and Order*, 2 FCC Rcd. 2639 (1987); and Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80-286, *Recommended Decision and Order*, 2 FCC Rcd 2551 (1987)

¹⁷ See Speech of Federal Communications Commission Chairman William Kennard, *Remarks to USTA's Inside Washington Telecom* (April 27, 1998) <<http://www.fcc.gov/commissioners/kennard/speeches.html>>.

compared to amounts recovered under current methods (*e.g.*, LSS, the universal service fund Expense Adjustment, and LTS) to determine potential effects. This would assure continuation of reasonable access tariff rates and further the goals of universal service.

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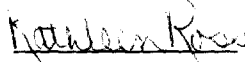
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